

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 19, 2001

Court convened at 9:00 a.m.

Present: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Patricia Benke and Richard Huffman
Clerk: D. E. Moore

D038144 In re Nathan D., a Juvenile

Cause called on merits. Valerie Lankford, Esq. argued for appellant. Patrice Plattner Granger, Deputy County Counsel argued for respondent. Ms. Lankford replied. Cause submitted.

Court recessed at 9:15 a.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and James McIntyre

D038074 In re Kristine W., a Juvenile

Cause called on merits. Christopher Blake, Esq. argued for appellant and submitted additional authorities. Michell Neumann-Ribner, Deputy County Counsel argued for respondent. Mr. Blake replied. Cause submitted.

D037827 In re Mark L., a Juvenile

Cause called on merits. Julie E. Braden, Esq. argued for Mark L. Michell Neumann-Ribner, Deputy County Counsel argued for respondent. Alice C. Shotton, Esq. replied for Paul L. Ms. Braden replied. Cause submitted.

D038425 Paul L., et al. v. Superior Court

Matter called on merits. Kathleen M. Mallinger, Esq. argued for petitioner. Erika Hiramatsu, Esq. argued for the mother. Michell Neumann-Ribner, Deputy County Counsel argued for respondent. Armando Salazar, Esq. argued for the minor. Ms. Mallinger replied. Ms. Hiramatsu replied. Matter submitted.

Court recessed at 10:45 a.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Alex McDonald

D036898 Provenzano v. Department of Motor Vehicles

Cause called on merits. Gary Provenzano argued for appellant, in pro per. Kathryn Megli, Deputy Attorney General argued for respondent. Mr. Provenzano replied. Cause submitted.

Court recessed at 11:00 a.m. until 1:30 p.m.

D036220 People v. Garcia

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., McIntyre, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 19, 2001 (Continued)

D038255 Davis et al. v. Superior Court of San Diego County/The Copley Press et al.

The writ petition filed on July 3, 2001, is dismissed with prejudice, the order to show cause dated July 25, 2001, is discharged and the stay issued on July 11, 2001 is vacated.

D038425 Paul L., et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The Welfare and Institutions Code section 366.26 hearing currently scheduled for Wednesday, November 21, 2001, is hereby stayed pending disposition of the above-captioned matter.

D038084 Johnston v. Gaslight Investments I, LTD., et al.

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

D038733 In re Russell on Habeas Corpus

The petition is denied.

D038902 Esquivel v. Superior Court of San Diego County/People

The petition is denied.

Court reconvened at 1:30 p.m.

Present: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Judith Haller
Clerk: D. E. Moore

D036369 People v. Moore

Cause called on merits. Waldemar D. Halka, Esq. argued for appellant. Doug Danzig, Deputy Attorney General argued for respondent. Mr. Halka replied. Cause submitted.

Court recessed at 1:45 p.m. to change panel members. New panel members: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Judith Haller and James McIntyre

D034649 Gustafson v. Marschall

Cause called on merits. Holly Kalechstein, Esq. argued for appellant. Karen M. Bray, Esq. argued for respondent. Ms. Kalechstein replied. Cause submitted.

Court recessed at 2:10 p.m. to change panel members. New panel members: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Patricia Benke and James McIntyre

D037530 Hawkes v. Sommer

Cause called on merits. Ervin Sommer, appellant in pro per argued for appellant. Gregory Y. Lievers, Esq. argued for respondent. Mr. Sommer replied. Cause submitted.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 19, 2001 (Continued)

Court recessed at 2:25 p.m. to change panel members. New panel members: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Patricia Benke and Gilbert Nares

D036468 Rhodes v. Cubic Corporation, et al.

Cause called on merits. Michael Freeland, Esq. argued for appellant. George S. Howard, Esq. argued for respondent, Cubic Corporation. Laura Brunton Riesenber, Esq. argued for respondent, Turner. Mr. Freeland replied. Cause submitted.

Court recessed at 3 p.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Alex McDonald

D036014 People v. Aquino

Cause called on merits. Peter Clarke, Esq. argued for appellant. Lilia Garcia, Deputy Attorney General argued for respondent. Mr. Clarke replied. Cause submitted.

Court adjourned at 3:20 p.m.

D037584 City of San Diego v. Superior Court of San Diego County/Border Business Park INC.,

The petition is denied. Petitioner has an adequate remedy by way of appeal.

D035886 People v. Williams

Affirmed. Haller, J.; We Concur: Kremer, P.J., Nares, J.

D035450 In re Tobacco Cases II

The petition for rehearing is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
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DIVISION ONE

November 20, 2001

D038773 In re Lockett on Habeas Corpus

The petition is denied.

D039062 Bacher v. Superior Court of San Diego County/County of San Diego

The petition is denied.

D038641 People v. Anderson

Upon filing an abandonment of appeal, the appeal is dismissed.

D037021 Sports Nuts XL, Inc., et al. v. Freis

The appeal is dismissed pursuant to California Rules of Court, rule 17(a).

D037134 People v. Rothbart

The judgment is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., McDonald, J.

**D039077 Pointe San Diego Residential Community L.P. et al. v. The Superior Court of
San Diego County/W.W.I. Properties LLC et al.**

The petition is denied.

D034402 In re the Marriage of Ricotta

The judgment is affirmed. O'Rourke, J.; We Concur: Haller, Acting P.J., McDonald, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 21, 2001

D037902 In re J. L. et al., Juveniles

The judgment is affirmed. Nares, J.; We Concur: Kremer, P.J., Huffman, J.

D039028 In re Noel on Habeas Corpus

The petition is denied.

D038207 In re Archuleta on Habeas Corpus

Archuleta's claim trial counsel was ineffective as to the plea is without merit. The petition is denied.

D037793 In re Jamie F., a Juvenile

The judgment is affirmed. Nares, J.; We Concur: Kremer, P.J., Haller, J.

D038503 Songstad et al. v. Superior Court of Orange County et al./Nestande et al.

Let a writ of mandate issue directing respondent Superior Court to vacate its order granting Nestande's petition for a writ of mandate, and to enter a new and different order and judgment dismissing Nestande's petition for a writ of mandate. Songstad shall recover costs in this writ proceeding. CERTIFIED FOR PUBLICATION. McDonald, J.; We Concur: Haller, Acting P.J., McIntyre, J.

D038144 In re N. D., a Juvenile

The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., Huffman, J.

D036359 People v. Kelson

The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., Haller, J.

D037871 Sharon S. v. Superior Court of San Diego County/Anne F.

It is ordered that the opinion filed on October 25, 2001, be modified. No change in judgment. The petition for rehearing is denied. Justices McIntyre and McDonald concur in the modification and denial. Justice Kremer would grant rehearing.

D034838 People v. Adams et al.

The section 368, subdivision (b)(3)(A), enhancements as to each appellant are stricken. In all other respects the judgments are affirmed. CERTIFIED FOR PARTIAL PUBLICATION. Benke, J.; We Concur: Kremer, P.J., Huffman, J.

D035438 Lauffs v. Hagopian et al.

The judgment is affirmed. The defendants are awarded costs on appeal. Benke, Acting P.J.; We Concur: Nares, J., McDonald, J.

D037586 Chavez et al. v. Mendoza et al.

The petition is denied.

D038128 Stephens v. Johnson et al.

The appeal is dismissed.